

2002 Census of Tribal Justice Agencies in American Indian and Alaska Native Tribal Jurisdictions

Attached is a revised draft survey instrument for the *2002 Census of Tribal Justice Agencies American Indian and Alaska Native Tribal Jurisdictions* scheduled for fieldwork later this year. We would appreciate it if you would review the revised survey and provide us your comments. Your comments and suggestions will be reviewed and fully considered along with other suggestions received as part of our review of the survey's questionnaire. Please direct your comments or questions to askbjs@ojp.usdoj.gov with the phrase "Tribal Justice Survey" in the subject line.

The survey is the first comprehensive effort by the Justice Department to document tribal justice agencies, the services they provide, and the capacity among American Indian tribes and Alaska Native villages to collect and report information on crime in their jurisdictions. The survey will identify the tribal justice forums used for resolving disputes, law enforcement agencies, record keeping, and crime reporting practices. To encourage a high response rate, we have minimized the length of the survey, the complexity of the questions, and overall information gathering required to complete the survey.

We look forward to your comments and suggestions. Again, thank you for your interest in the survey.

**RETURN
TO**

**2002 Census of Tribal Justice Agencies
in American Indian and Alaska Native
Tribal Jurisdictions**

(Please correct any error in name, mailing address and zip code)

INFORMATION SUPPLIED BY

Name			Title		
TELEPHONE	Area code	Number	FAX	Area code	Number
E-MAIL ADDRESS					

On behalf of the Bureau of Justice Statistics (BJS), U.S. Department of Justice, XXXXXXXXXXXXXXX is conducting a census of tribal justice agencies in American Indian and Alaska Native tribal jurisdictions. This is the first comprehensive effort by the Justice Department to document justice agencies operating in tribal jurisdictions, the services they provide, and the capacity among American Indian and Alaska Native tribes to collect and report information on crime in their jurisdictions. Findings from the 2002 survey will be sent to all respondents and will be available from the BJS website at <http://www.ojp.usdoj.gov/bjs>. BJS also will compile and make available a National directory of justice agencies in tribal jurisdictions throughout the country.

We estimate that it will take an average of 20 minutes to complete the survey, including time to review instructions, to gather the information needed, and to enter and review the information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions on how to reduce this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, N.W., Washington, D.C. 20531.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732), authorizes this information collection. The request for information is in accordance with the clearance requirement of the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3507). Although this survey is voluntary, we urgently need and appreciate your cooperation to make the results comprehensive, accurate, and timely.

Please complete the survey within 14 days and return it in the enclosed envelope or fax the survey to XXXX at XXX-XXX-XXXX. If you have questions or need assistance, please e-mail XXXX at XXXX@XXXXXXXXXXXX or call X-XXX-XXX-XXXX. Thank you for your cooperation in this important data collection effort.

Sincerely,
XXXXXX XXXXXXXXXXX

General Information

- If you need assistance to answer any question or have questions about the survey, please call XXXXX at XXXXXXXXXXX. You may also e-mail XXXXX at XXX@XXXXXXXX.XXX.
- Please complete the survey within 14 days and mail to XXXXX in the pre-addressed, pre-paid envelope provided or fax to XXXXX at XXX-XXX-XXXX, ATTN: XXXXX--- Census of Tribal Justice Agencies project.

While you are not required to respond to this survey,
your participation is greatly appreciated and is critical for the success of the survey.

SECTION A —TRIBAL LAW ENFORCEMENT AGENCIES

A1. Does your tribe have a law enforcement agency employing sworn tribal personnel with general arrest powers?

- 1 ☐ Yes
2 ☐ No → SKIP TO QUESTION A7

A2. Does your tribal law enforcement agency operate through a PL 93-638 or self-governance contract?

- 1 ☐ Yes
2 ☐ No

A3. Does your tribal law enforcement agency have cross deputization agreements with any of the following?
(Mark (X) all that apply)

- a. ☐ BIA law enforcement
b. ☐ Neighboring tribes/villages
c. ☐ Neighboring *non*-tribal authorities
(e.g. state, county, local)
d. ☐ Federal law enforcement other than BIA
(e.g. FBI, Customs, US Marshals Service)

A4. Are your tribal law enforcement officers recognized by the state and have state peace officer authority?

- 1 ☐ Yes
2 ☐ No

A5. Do your tribal law enforcement officers have jurisdiction over tribal members off the reservation?

- 1 ☐ Yes
2 ☐ No

A6. Do your tribal law enforcement officers have arrest authority over non-Indians on the reservation?

- 1 ☐ Yes
2 ☐ No

A7. Which of the following provides law enforcement services for your tribe?

(Mark (X) all that apply)

- a. ☐ BIA
b. ☐ State
c. ☐ Tribal law enforcement
d. ☐ Village Public Safety Officers (VPSOs)
e. ☐ Village Police Officers (VPOs)
f. ☐ Traditional law enforcement
g. ☐ Other (describe below)

A8. Who performs the following law enforcement functions in your tribe?

(Mark (X) all that apply)

Uniform Officers	Criminal Investigation	Detention
a. <input type="checkbox"/> BIA	a. <input type="checkbox"/> BIA	a. <input type="checkbox"/> BIA
b. <input type="checkbox"/> FBI	a. <input type="checkbox"/> FBI	a. <input type="checkbox"/> FBI
c. <input type="checkbox"/> Tribal	a. <input type="checkbox"/> Tribal	a. <input type="checkbox"/> Tribal
d. <input type="checkbox"/> State	d. <input type="checkbox"/> State	d. <input type="checkbox"/> State
e. <input type="checkbox"/> County	e. <input type="checkbox"/> County	e. <input type="checkbox"/> County
f. <input type="checkbox"/> Other	f. <input type="checkbox"/> Other	f. <input type="checkbox"/> Other

A9. For which type of land are services provided?
(Mark (X) all that apply)

- a. ☐ Reservation land
b. ☐ Tribal communities
c. ☐ Alaska Native Villages
d. ☐ Trust Land, other

A10. Is the land base contiguous?

- 1 ☐ Yes
2 ☐ No

A11. How many *CRIMINAL* cases during the last calendar year were referred to the U.S. Attorney's Office?

➡ _____ ☐ Mark (x) if number is an estimate

A12. Who refers criminal cases to the U.S. Attorney's Office?*(Mark (X) all that apply)*

- a. ☐ Tribal law enforcement
- b. ☐ BIA law enforcement
- c. ☐ FBI
- d. ☐ Other *(Describe below)*

A13. Does your tribe have access to the National Crime Information Center (NCIC)?

- 1 ☐ Yes
- 2 ☐ No

A14. Does your tribe record the number and types of crime incidents occurring in your tribal jurisdiction?

- 1 ☐ Yes
- 2 ☐ No → SKIP TO SECTION B

A15. What method do you use to record crime incidents in your tribal jurisdiction?*(Mark (X) only one)*

- a. ☐ Incidents are recorded manually
- b. ☐ Incidents are recorded in computer databases

A16. Does your tribe routinely share crime statistics with any of the following?*(Mark (X) all that apply)*

- a. ☐ Other tribes
- b. ☐ Local government (county or municipal)
- c. ☐ State government
- d. ☐ FBI (Uniform Crime Reports, NIBRS, etc.)
- e. ☐ BIA

SECTION B —TRIBAL JUSTICE SYSTEM: TRIBAL COURTS AND SERVICES**B1. Does your tribe have a tribal justice system?**

(As defined in the Indian Tribal Justice Act, "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolutions systems, and circuit rider systems, established by inherent authority whether or not they constitute a court of record).

- 1 ☐ Yes
- 2 ☐ No → SKIP TO SECTION C

B2. Which type of tribal justice system operates in your tribal jurisdiction?*(Mark (X) all that apply)*

- a. ☐ Trial courts
- b. ☐ Appellate courts
- c. ☐ Circuit rider systems
- d. ☐ Traditional methods and/or forums for dispute resolution (e.g. peacemaking, circle sentencing)
- e. ☐ Inter-tribal court system *(Please list tribe(s) below)*

B3. Which of the following types of cases are handled by your tribal justice system?*(Mark (X) all that apply)*

- a. ☐ Criminal misdemeanor cases
- b. ☐ Traffic violations
- c. ☐ Juvenile matters
- d. ☐ Domestic violence protective orders
- e. ☐ Civil matters
- f. ☐ Wildlife offenses (e.g. hunting, fishing)
- g. ☐ Other cases *(describe below)*

B4. Please indicate the type and number of courts in your tribal justice system.*(Mark (X) all that apply)***Type of court**

- a. ☐ General jurisdiction trial court ➡ a. _____
- b. ☐ Juvenile court ➡ b. _____
- c. ☐ Family court ➡ c. _____
- d. ☐ Wildlife conservation court ➡ d. _____
- e. ☐ Appellate court ➡ e. _____
- e. ☐ Peacemaking/circle sentencing ➡ e. _____
- f. ☐ Other *(Describe below)*

B5. Number of courts

B5. Does your tribal justice system use any of the following intermediate sanctions in sentences?

Consider "intermediate sanctions" as sentences other than incarceration

(Mark (X) all that apply)

- a. ☐ Drug rehabilitation
- b. ☐ Alcohol rehabilitation
- c. ☐ Community service
- d. ☐ Counseling / therapy
- e. ☐ Fine without incarceration
- f. ☐ Restitution without incarceration
- g. ☐ Victim-Offender reconciliation
- h. ☐ Other (Describe below)

B6. Which types and how many of the following personnel work in your tribal justice system?

(Mark (X) all that apply)

Type of justice system personnel**B7. Number Full-time****B8. Number Part-time**

- | | | |
|--|----------|-------|
| a. <input type="checkbox"/> Trial court judges | a. _____ | _____ |
| b. <input type="checkbox"/> Appellate court judges | b. _____ | _____ |
| c. <input type="checkbox"/> Court administrators | c. _____ | _____ |
| d. <input type="checkbox"/> Court interpreters | d. _____ | _____ |
| e. <input type="checkbox"/> Prosecutors | e. _____ | _____ |
| f. <input type="checkbox"/> Public defenders | f. _____ | _____ |
| g. <input type="checkbox"/> Probation officers | g. _____ | _____ |
| h. <input type="checkbox"/> Parole officers | h. _____ | _____ |
| i. <input type="checkbox"/> Peacemakers | i. _____ | _____ |
| j. <input type="checkbox"/> Bailiffs/Process servers | j. _____ | _____ |
| k. <input type="checkbox"/> Support and other staff | k. _____ | _____ |

TOTAL STAFF

l. _____

B9. How are tribal court judges selected?

(Mark (X) all that apply)

- a. ☐ Elected
- b. ☐ Appointed and/or hired
- c. ☐ Other (Describe below)

B10. What is the term for a tribal court judge?

(Mark (X) all that apply)

- a. ☐ 1 year
- b. ☐ 2 year
- c. ☐ 3 year
- d. ☐ 4 year
- e. ☐ Other (Describe below)

B11. Are jury trials available in your tribal court system for civil trial cases?

- 1 ☐ Yes
- 2 ☐ No

B12. Does your tribe count the number of matters brought before your tribal justice system?

- 1 ☐ Yes
- 2 ☐ No → SKIP TO QUESTION B17

B13. How are criminal cases counted in your court system?

(Mark (X) only one)

- a. ☐ Number of charges
- b. ☐ Number of defendants
- c. ☐ Number of incidents
- d. ☐ Other (Describe below)

B14. What method is used to count the number of matters in your tribal court or tribal justice forum(s)?

(Mark (X) only one)

- a. ☐ Matters are counted manually
- b. ☐ Matters are counted in computer databases
- c. ☐ Other (Describe below)

B15. How many CRIMINAL cases were filed in your tribal justice system during the last calendar year?

➡ _____ ☐ Mark (x) if number is an estimate

B16. How many CRIMINAL cases filed during the last calendar year involved a non-Indian defendant?

➡ _____ ☐ Mark (x) if number is an estimate

B17. How many *CIVIL* cases were filed in your tribal justice system during the last calendar year?

➡ _____ ☐ Mark (x) if number
is an estimate

B18. How many *CIVIL* cases filed during the last calendar year involved a non-Indian defendant?

➡ _____ ☐ Mark (x) if number
is an estimate

B19. Does your tribal justice system provide victim services?

1 ☐ Yes

2 ☐ No

B20. Is your tribal court system electronically networked with other justice agencies (e.g. law enforcement)?

1 ☐ Yes

2 ☐ No

SECTION C —OTHER TYPES OF TRIBAL JUSTICE SYSTEMS

C1. Does your tribe have a BIA Court of Indian Offenses available?

1 ☐ Yes

2 ☐ No

C2. Does your tribe rely on State courts for judicial services?

1 ☐ Yes

2 ☐ No

Comments

Thank you for your participation and prompt reply.